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INTELLECTUAL PROPERTY LAW
 Patents-Copyrights-Trademarks

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February 12, 2008

Mail Stop PCT
 Commissioner for Patents
ATTN: Office of PCT Legal Administration
 P.O. Box 1450
 Alexandria, VA 22313-1450

Re: U.S. PATENT APPLICATION
 Title: Image Processing
 Serial No.: 10/551,290
 Date Filed: September 28, 2005
 First Named Inventor: JUPE, John
 GAU/Examiner:
 Attorney Docket No. ARD132USA

Dear Sir:

Please find enclosed the following:

- ◆ Renewed Petition Under 37 CFR 1.181.
- ◆ Certificate of Mailing
- ◆ Exhibits A, B and C
- ◆ Return Receipt Postcard

Should the Examiner believe that telephone communication would advance the prosecution of this case to finality, s/he is invited to call at the number below.

Please charge any fee due not paid by a check or credit card provided herewith, and/or charge any underpayment in any fee, and/or credit any overpayment in fee, to Deposit Account No. 19-2381.

CERTIFICATE OF MAILING (IF APPLICABLE)

2-14-08

Date of Deposit: February 12, 2008. I hereby certify that this paper/fee is being deposited with the United States Postal Service as First Class Mail-Postage Prepaid, under 37 CFR 1.8, on the date indicated above, and is addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Name

Jo Rudner

Signature

Jo Rudner

Respectfully submitted,



Joel D. Skinner
Registration No. 33,786

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CERTIFICATE OF MAILING (IF APPLICABLE)

Date of Deposit: _____ I hereby certify that this paper/fee is being deposited with the United States Postal Service as First Class Mail-Postage Prepaid, under 37 CFR 1.8, on the date indicated above, and is addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Name

Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: JUPE, John

Application No.: 10/551,290

Filing Date: September 28, 2005

Title: Image Processing

Group Art Unit/Examiner:

Attorney Docket No.: ARD132USA

RENEWED PETITION UNDER 37 CFR 1.181

Dear Sir:

Applicant hereby renews his petition the Commissioner to withdraw the holding of abandonment in the instant application, based on nonreciept of an Office communication, wherein the period for response had expired.

Support for presentation and granting of this petition is provided by MPEP 711.03(c)-“PETITIONS TO WITHDRAW THE HOLDING OF ABANDONMENT,” the decision in *Delgar, Inc. v. Schuyler*, 172 USPQ 513 (D.D.C. 1971), and the procedures outlined in 1156 O.G. 53, November 16, 1993.

The undersigned attorney, who has at all times been the attorney of record in this application, states as follows:

(1) The *Decision on Petition Under 37 CFR 1.181* received by the

undersigned attorney on February 7, 2008, states that applicant satisfied two

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Name

Signature

of the three requirements needed to establish nonreceipt of an Office Communication; namely (1) a statement by the practitioner that the Office action was not received by the practitioner; and (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the *Decision* is attached hereto as Exhibit A.

- (2) That the *Decision* states that the third requirement, a copy of the docket record, remains unsatisfied.
- (3) Skinner and Associates is a small firm, with only one (1) patent practitioner, which does not require a docket of incoming mail received from the USPTO to reliably manage its business and does not have such docket. As evidence that the office communication, a Notice of Missing Requirements, was not received, enclosed are a copy of: (1) excerpts from the firm master paper calendar where response deadlines would have been recorded on September 27, 2006 and January 27, 2007, (Exhibit B); and (2) a computer screen print showing the contents of the firm's electronic folder, (Exhibit C). The firm's standard operating procedures includes (1) that the shortened and final six month response due dates are immediately entered in the master calendar upon receipt of any document for which a reply is required, and (2) office actions received from the USPTO are immediately scanned into the electronic folder and entered in the paper file at the earliest practicable moment, typically within one (1) business day. The enclosed calendar excerpt covers the two-month and six-month response deadlines appropriate for the Notice of Missing Requirements. Neither the calendar nor the

electronic file contain any evidence that the office communication was received at the firm.

On the basis of the showing set forth above, Applicant respectfully requests that his petition be granted, that the holding of abandonment be withdrawn, and that a copy of the Office communication be mailed to the undersigned attorney.

RULE 136(a) PETITION/AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time under 37 CFR 1.136(a) and that the fee therefor, as well as underpayment in any other fees, be charged, or any overpayment in fees be credited, to Deposit Account No. 19-2381.

Respectfully submitted,



Joel D. Skinner, Jr., Reg. No. 33,786

Date: 2-14-08

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Enclosure

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Alexandria, VA 22313-1450
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SKINNER AND ASSOCIATES
212 Commercial Street
Hudson, WI 54016

In re Application of
JUPE, John
Application No.: 10/551,290
PCT No.: PCT/GB2004/001262
Int. Filing Date: 25 March 2004
Priority Date: 29 March 2003
Docket No.: ARD132USA
For: IMAGE PROCESSING

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FEB 07 2008

BY: -----

DECISION

ON PETITION UNDER

37 CFR 1.181

This decision is in response to applicant's petition to withdraw the holding of abandonment, under 37 CFR 1.181.

BACKGROUND

On 27 July 2006, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing search fee, examination fee or oath or declaration were required.

On 15 November 2007, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application went abandoned for failure to timely reply to the Notification of Missing Requirements.

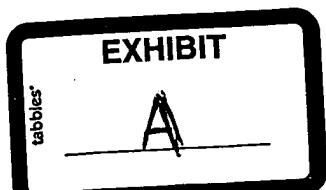
On 26 November 2007, applicants filed the instant petition.

DISCUSSION

The showing required to establish nonreceipt of an Office communication is set forth in the notice entitled *Withdrawing the Holding of Abandonment When Office Actions Are Not Received*, 1156 O.G. 53 (Nov. 16, 1993). The showing must include: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

Items (1) and (2) have been satisfied. Practitioner states that the Notification of Missing Requirement was not received and indicates that a search of the file did not locate the notification. The docket clerk states that a search of the docket records indicates that the Notification of Missing Requirements was not received.

Item (3) has not been satisfied. Practitioner must provide a copy of the docket records for the firm, where the nonrecieved Office communication would have been entered had it been received and docketed and reference the docket record in the practitioner's statement. "For example, if a three month period for reply was set in the nonreceived Office Action, a copy of the docket report showing all replies



docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action." MPEP §711.03(c) para. II.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

The application remains **ABANDONED**.

If reconsideration on the merits of this petition is desired, a proper reply is required within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

JANUARY 2007

SEPTEMBER 20(

